

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2076 OF 2004

Subhash Chandra ...Petitioner

Versus

M/s. Aruna Sugars Finance Ltd.
and others ...Respondents

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Mr. V.M. Thorat, Advocate for Petitioner

Mr. A.S.Khan, Advocate for Respondent No.1.

Mr. V.B. Konde Deshmukh, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 30TH JUNE, 2005

P. C.:-

1. Heard both sides.

2. The petitioner has prayed for quashing of process issued against him in Criminal Case No. 1253/S/2003 which is pending in the Court of learned Additional Chief Metropolitan Magistrate 47th Court, Esplanade, Mumbai. In the said case, process has been issued against the petitioner under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of

2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer revision before the concerned Sessions Court. The learned advocate for the petitioner states that the necessary revision would be preferred within a period of four weeks from today. In view of this statement, the proceeding before the trial Court are stayed for a period of four weeks from today. The learned advocate for the respondent i.e. original complainant fairly states that no objection would be raised in respect of limitation in filing revision by the petitioner before the Sessions Court.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Writ petition is disposed of.
